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5 Attorneys for Petitioners

FILED
San Francisco County Superior Court

MAY 06 2019

CLERK OF THE COURT

BY: _____

Deputy Clerk

6 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

7 UNLIMITED CIVIL JURISDICTION

9 LINA LU; ALEXANDRA ANDERSON; and)
STELLA OSBORNE,)

10 *Petitioners/Plaintiffs,*)

11 v.)

12 CITY AND COUNTY OF SAN)
13 FRANCISCO; THE SAN FRANCISCO)
POLICE DEPARTMENT; WILLIAM)
14 SCOTT in his official capacity as Chief of.)
Police, and DOES 1-20,)

15 *Respondents/Defendants.*)
16 _____)

Case No. **CPF-19-516659**

**Verified Petition for Writ of Mandate
and Complaint for Declaratory and
Injunctive Relief; Exhibits "1" – "3"**

18 **INTRODUCTION**

19 1. This action challenges the San Francisco Police Department's systematic
20 failure to provide survivors of domestic violence with a copy of their incident report as
21 mandated under Family Code § 6228.

22 2. The statute was enacted more than 20 years ago to protect survivors of
23 domestic violence, sexual assault, stalking, human trafficking, elder abuse, and dependent
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1 adult abuse by providing these survivors with swift access to their incident reports so that
2 they may obtain restraining orders as quickly as possible.

3 3. Unlike other police departments across the state of California who are
4 compliant with state law, SFPD regularly violates the time limits. Although the statute
5 provides for production of reports within a maximum of 10 days, SFPD takes an average
6 of 50 days to deliver the incident reports requested by attorneys for survivors. SFPD fails
7 to adhere to the statutory timelines in approximately 90% of cases where attorneys request
8 reports, and in approximately 10% of such cases, fails to deliver any report at all.

9 According to SFPD's own statistics, roughly 75% of requests for incident reports come
10 from individuals who are not represented by counsel and, on information and belief,
11 SFPD's response times and incidents of denials are as deficient or even more deficient in
12 those cases. By delaying and barring survivors' access to their own incident reports, SFPD
13 is impeding survivors' ability to obtain the protection they so desperately need, leaving
14 survivors and their children throughout the City and County of San Francisco vulnerable to
15 repeated acts of abuse.

16 4. On information and belief, Respondents justify the denial of incident reports
17 and the significant redaction of incident reports by citing to Government Code § 6254. On
18 information and belief, Respondents believe Government Code § 6254 excuses them from
19 complying with Family Code § 6228.

20 5. In fact, Government Code § 6324 – which permits police departments to
21 decline to produce records of ongoing criminal investigations *in response to a request*
22 *made under the California Public Records Act* – has no application to Family Code §
23 6228. The legislative history of Family Code § 6228, enacted 10 years after Government
24 Code § 6324, makes it clear that police departments must disclose incident reports and

does not contemplate any exceptions that would permit a police department to withhold or redact a report.

6. Petitioners and Plaintiffs LINA LU, ALEXANDRA ANDERSON, and STELLA OSBORNE, individuals, (collectively, “Petitioners”) bring this suit against Respondents and Defendants CITY AND COUNTY OF SAN FRANCISCO (“the City”), the SAN FRANCISCO POLICE DEPARTMENT (“SFPD”), and WILLIAM SCOTT, in his official capacity as Chief of SFPD (“the Chief”) (collectively, “Respondents”) for a violation of Family Code § 6228. Petitioners and Plaintiffs seek a Writ of Mandate pursuant to Code Civil Procedure § 1085, commanding Respondents to comply with their mandatory duties under Family Code § 6228. Petitioners and Plaintiffs also request injunctive relief, pursuant to Code Civil Procedure § 526A, prohibiting Respondents from engaging in further violations of Family Code § 6228, and declaratory relief declaring Respondents violations of Family Code § 6228 as unlawful.

THE PARTIES

7. Petitioner LINA LU is a resident of the City and County of San Francisco and lives with her children. Petitioner LU is a survivor of domestic violence and requested that SFPD provide her with three incident reports in preparation for her civil restraining order trial. SFPD provided Petitioner LU with only one of the three reports. As a result, Petitioner LU lacked key information she needed to prepare for trial, and was unable to subpoena the responding officers to testify at her civil restraining order trial or provide the Court with documentation that she received an Emergency Protective Order. Petitioner LU has paid taxes to and within the City and County of San Francisco, and is a member of the public interested ensuring SFPD's compliance with Family Code § 6228, an issue of significant public concern.

1 8. Petitioner ALEXANDRA ANDERSON is a resident of the City and County
2 of San Francisco and lives with her children. Petitioner ANDERSON is a survivor of
3 domestic violence and requested an incident report in preparation for a hearing on the
4 supervised visitation orders for her children. Petitioner ANDERSON received her incident
5 report fifteen (15) days after it was requested, causing her to miss the deadline for
6 submitting evidence in support of her position regarding visitation. Furthermore, SFPD
7 only produced the report to Petitioner ANDERSON after the Chair of the Domestic
8 Violence Consortium, the Women's Policy Director at the San Francisco Department on
9 the Status of Women, and the Director of Policy at the Department for Police
10 Accountability all personally contacted a SFPD commanding officer to enlist his assistance
11 in obtaining this report. Petitioner ANDERSON has paid taxes to and within the City and
12 County of San Francisco, and is a member of the public interested ensuring SFPD's
13 compliance with Family Code § 6228, an issue of significant public concern.

14 9. Petitioner STELLA OSBORNE currently lives in a confidential location in
15 the State of California. Petitioner OSBORNE is a survivor of domestic violence, a
16 member of the public interested in an issue of public concern, and has paid a tax within
17 and to the City and County of San Francisco within the past year.

18 10. Respondent CITY AND COUNTY OF SAN FRANCISCO ("the City") is a
19 charter city and county organized under the laws of the state of California and is
20 responsible for the training, maintenance, control and supervision of the SAN
21 FRANCISCO POLICE DEPARTMENT, and for establishing the policies, procedures, and
22 customs by which its employees conduct their official duties. The CITY AND COUNTY
23 OF SAN FRANCISCO expends taxpayer funds in carrying its policies and practices with
24

1 respect to provision of incident reports to survivors of domestic violence, as described
2 herein.

3 11. Respondent SAN FRANCISCO POLICE DEPARTMENT is the public
4 entity responsible for ensuring the release of police incident reports within the City of San
5 Francisco. The SAN FRANCISCO POLICE DEPARTMENT expends taxpayer funds in
6 carrying its policies and practices with respect to provision of incident reports to survivors
7 of domestic violence, as described herein.

8 12. Respondent WILLIAM SCOTT in his official capacity as Chief of the SAN
9 FRANCISCO POLICE DEPARTMENT, is charged with the primary responsibility of
10 overseeing the SAN FRANCISCO POLICE DEPARTMENT while under the scope of his
11 employment and under color of state law. The SAN FRANCISCO POLICE
12 DEPARTMENT expends taxpayer funds in carrying its policies and practices with respect
13 to provision of incident reports to survivors of domestic violence, as described herein.

14 13. Respondent DOES 1 through 20 are persons or entities whose true names
15 and capacities are presently unknown to Petitioners, who therefore sues these Respondents
16 by fictitious names. Petitioners are informed and believe, and on that basis allege, that
17 each of the DOE Respondents was an agent of one or more of the names Respondents, and
18 was acting within the course and scope of said agency or employment. Petitioners are
19 further informed and believe, and based thereon allege, that each of the DOE Respondents
20 is legally responsible in some manner for the occurrences herein alleged, and has expended
21 taxpayer funds in carrying out such actions. All allegations in this Petition that refer to the
22 names Respondents/Defendants refer in like manner to those Respondents identified as
23 DOES 1 through 20, inclusive. Petitioners will amend this Petition to allege the true
24 names and capacities of the DOE Respondents when the same have been ascertained.

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1 20. In addition to delaying reports, Respondents also have a policy and practice
2 of improperly denying incident reports to survivors or their representatives, or redacting
3 reports so significantly they are rendered illegible.

4 21. There is no justification in law for redacting any portion of incident reports
5 provided to survivors under Family Code § 6228, and the failure to produce unredacted
6 incident reports violates the Family Code.

7 22. SFPD attempts to justify its refusal to provide reports, or its redaction of
8 reports, based on Government Code § 6324, a section of the Public Records Act that
9 permits public agencies to withhold incident reports from Public Records Act responses
10 when there is an open investigation, or when charges are pending or a criminal case has not
11 yet concluded. But neither Government Code § 6324 nor any other provision of the
12 California Public Records Act provide a basis to deny an incident report to a survivor or
13 their representative as specified Family Code § 6228.

14 23. On 3/15/2018, BayLegal advised SFPD that SFPD was consistently
15 violating Family Code § 6228, and advised SFPD that the Government Code does not
16 provide an exception to the Family Code disclosure requirement. Even after SFPD was put
17 on notice of its erroneous interpretation of Government Code § 6324, SFPD continues to
18 significantly redact incident reports, to improperly deny survivors their incident reports,
19 and to delay the release of incident reports to survivors. It continues to rely on
20 Government Code § 6324 in support of its actions.

21 24. Respondents' own publications misinform the public of their right of
22 domestic violence survivors to receive a copy of their incident report within five working
23 days under Family Code § 6228.

1 25. SFPD publishes an "Incident Request Form" on its website, which instructs
2 the public to "Allow 10 business days from the date of your request for processing."¹ A
3 true and correct copy of SFPD's Incident Request Form is attached hereto as Exhibit "1".
4 The text of this form suggests that requesters should wait 10 days for all reports, and fails
5 to identify the statutorily-required shorter timeframe for domestic violence incident
6 reports.

7 26. On 3/15/2018, BayLegal informed SFPD that the Incident Request Form
8 incorrectly lists a 10 business day return time, and BayLegal requested that Respondents
9 amend the Incident Request Form to conform to the 5 business day time frame mandated
10 by Family Code § 6228. Respondents have not revised and published a corrected "Incident
11 Request Form." A true and correct of a screenshot of the SFPD Incident Request Form last
12 accessed on 5/2/2019 is attached hereto as Exhibit "2".

13 27. On the SFPD Incident Request Form, SFPD directs people to request an
14 incident report by emailing sfpd.records@sfgov.org. See Exhibit "1". SFPD responds to
15 email requests to that address with a misleading automatic reply that states: "***Your email***
16 ***and/or request has been received and will be processed within 10 days in the order it was***
17 ***obtained.*** Please allow 7 business days for processing before sending any follow-up
18 emails. Thank you for your patience." (Emphasis added.) A true and correct copy of an
19 Automatic Reply email from SFPD Records dated 3/11/2019 is attached hereto as Exhibit
20 "3". In March 2019, BayLegal brought the incorrect time frame cited in this autoreply to
21 Respondents attention, but Respondents have still not corrected this error.

22
23 ¹ SFPD Incident Request Form, available at:
24 <https://sanfranciscopolice.org/sites/default/files/Documents/PoliceDocuments/Information%20Docs/27783-SFPD%20491-%20Request%20for%20Police%20Report%20%2811-15%29.pdf> (last visited 5/2/2019 at 1:41 PM).

1 28. In fact, between July 2018 and March 2019, BayLegal and other domestic
2 violence advocates met with SFPD on four occasions to discuss the facts and allegations
3 described herein. During those meetings SFPD agreed to make some changes in order to
4 achieve compliance with Family Code § 6228; however, at other times, SFPD retreated
5 from these agreements. To date, more than one year after BayLegal brought this issue to
6 Respondents attention, SFPD continues to violate the timelines set forth in Family Code §
7 6228.

8 29. As a result of Respondents policies and practices as described herein,
9 survivors are unable to obtain timely incident reports and are therefore unable to present
10 sufficient evidence to the court when they are requesting the protection of a domestic
11 violence restraining order. Indeed, survivors' requests for protection may be denied or
12 continued *ad infinitum* until dismissed, solely as a result of SFPD's failure to timely
13 provide incident reports. Consequently, survivors and their children are left without any
14 protection from their abusers, in violation of the express purpose of Family Code § 6228.

15 30. As a result of Respondents policy and practices described herein, survivors
16 and their counsel lack the documents they need to pursue a protective order; they cannot
17 include the report as a trial exhibit, subpoena SFPD officers or other witnesses named in
18 the reports, conduct discovery or investigation based on information revealed in the
19 reports, notice depositions, adhere to trial deadlines, or adequately prepare the case for
20 trial, thereby hindering the successful outcome of the case.

21 31. Also as a result of Respondents policy and practice, survivors are
22 discouraged from seeking the protection of a domestic violence restraining order.
23 Oftentimes, an incident report would be the sole documentary evidence a survivor would
24 be able to present to corroborate a reported incident of abuse, injuries, and patterns of

1 domestic violence. Without this evidence, survivors are deterred from seeking protection
2 under the Domestic Violence Prevention Act.

3 32. By Respondents' policy and practice as described herein, SFPD fails to
4 effectuate the purpose of Family Code § 6228 which the Legislature declared was intended
5 to "help victims of domestic violence obtain the documentation they need to secure
6 restraining orders as quickly as possible." (1999 Cal. AB 403, 1999 Cal. Stats. Ch. 1022.)

7 **FIRST CAUSE OF ACTION**

8 **Ordinary Writ of Mandamus, CCP § 1085**

9 33. Paragraphs 1 through 32 are incorporated herein by reference.

10 34. Family Code § 6228(b)(2) provides: "A copy of the incident report shall be
11 made available during regular business hours to a victim or his or her representative no
12 later than five working days after being requested by a victim or his or her representative,
13 unless the state or local law enforcement agency informs the victim or his or her
14 representative of the reasons why, for good cause, the incident report is not available, in
15 which case the incident report shall be made available to the victim or his or her
16 representative no later than 10 working days after the request is made."

17 35. Respondents have a ministerial duty to provide survivors with a copy of
18 their incident reports in accordance with Family Code § 6228.

19 36. Respondents have a policy and practice of violating their ministerial duty by
20 systematically failing to provide survivors or their representatives with a copy of their
21 incident report within five working days, or even within 10 working days for good cause.

22 37. Respondents' policy and practice violates a public duty on a matter of great
23 public importance.
24

1 38. Respondents have a policy and practice of violating their ministerial duty by
2 routinely denying survivors or their representatives a copy of the survivors' incident report
3 or improperly redacting the incident report.

4 39. Respondents' policy and practice violates a public duty on a matter of great
5 public importance.

6 40. Petitioners have no plain, speedy, and adequate remedy in the ordinary
7 course of the law.

8 41. Petitioners are beneficially interested in having Respondents comply with
9 all applicable provisions of law and their legal duties, as set forth herein.

10 42. Wherefore Petitioners pray for relief, as set forth below.

11 **SECOND CAUSE OF ACTION**

12 **Declaratory and Injunctive Relief**
13 **Code of Civil Procedure § 526A**

14 43. Paragraphs 1 through 42 are incorporated herein by reference.

15 44. Petitioner is informed and believes, and thereon alleges, that Respondents
16 are not in compliance with Family Code § 6228, and that their actions are unlawful and
17 wasteful.

18 45. An actual controversy exists between Petitioners and Respondents.
19 Specifically, Petitioners contend Respondents are not in compliance with Family Code §
20 6228 because Respondents routinely fail to provide survivors with a copy of their incident
21 reports within five business days, and improperly deny and significantly redact survivors
22 incident reports citing to Government Code § 6254 as justification for these denials and
23 redactions. On information and belief, Respondents contend they are in compliance with
24 Family Code § 6228, and that Government Code § 6254 precludes Respondent's from

1 releasing incident reports to survivors until the criminal case against the defendant has
2 concluded.

3 46. Petitioners therefore seek a declaration by the Court that Respondents are
4 required to comply with their legal duties to timely release incident reports to survivors
5 under Family Code § 6228, and that Government Code § 6254 does not preclude
6 Respondents from complying with their legal duties under Family Code § 6228.

7 47. Respondents have expended public funds in the promulgation and
8 implementation of unlawful policies and practices as described herein.

9 48. Injunctive relief is necessary to stop Respondents from expending taxpayer
10 funds in the manner described herein.

11 49. Petitioners are beneficially interested in having Respondents comply with
12 all applicable provisions of law and their legal duties, as set forth herein.

13 50. Petitioners have paid a tax to and within the City and County of San
14 Francisco.

15 51. Wherefore Petitioners pray for relief, as set forth below.

16 **CLAIM FOR ATTORNEYS' FEES**

17 52. This action will result in a benefit to the public, and Petitioners are entitled
18 to an award of attorneys' fees and costs pursuant to CCP § 1021.5, and any basis provided
19 by law.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Petitioners pray for relief as follows:

22 53. For a preliminary injunction and a peremptory writ of mandate requiring
23 Respondents and their agents to immediately comply with Family Code § 6228 by:
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1 a. Providing incident reports to survivors and/or their representatives
2 within 5 working days after the request is made, unless Respondents inform the survivor
3 and/or their representative of the reasons why, for good cause, the incident report is not
4 available, in which case Respondents shall provide the incident report no later than 10
5 working days after the request is made;

6 b. Ceasing the policy or practice of denying or redacting incident
7 reports that are requested pursuant to Family Code § 6228;

8 c. Developing a written policy and practice to ensure compliance with
9 the law, and a directive to all officers and employees of SFPD directing them to comply
10 with the policy and practice;

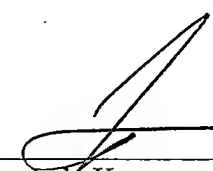
11 d. Providing monitoring, follow up training and directives as necessary
12 until compliance is consistent and fully implemented.

13 54. For a declaration that Respondents are violating their legal duties to timely
14 release incident reports to survivors under Family Code § 6228, and that Government Code
15 § 6254 does not preclude Respondents from complying with their legal duties under
16 Family Code § 6228.

17 55. For an order granting Petitioners their costs and attorneys' fees; and

18 56. For an order for such other relief as is just and equitable.

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20 Dated: May 6, 2019

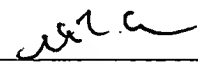
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23 Fawn Jade Korr
24 Jeanne Finberg
BAY AREA LEGAL AID
Attorneys for Petitioners

VERIFICATION

I, Lina Lu, am one of the Petitioners in the above entitled action. I am aware of the VERIFIED WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF ("Verified Writ of Mandate"). To the extent that the Verified Writ of Mandate is based upon facts known to me, including the facts stated under my name in the section entitled "Parties," I verify them to be true, and otherwise, I am informed and believe that all facts herein are true.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed on April 29, 2019, in San Francisco, California.



Lina Lu
Petitioner and Plaintiff

EXHIBIT "1"

Internal Use Only:

Date request received: _____

Date provided/mailed: _____

Date person notified if extension
needed: _____

ID/DL for pick-up: _____

RMS staff ID#: _____

Request for Incident Report

Mail request to: San Francisco Police Department
Report Management Section
1245 3rd Street, San Francisco, CA 94158-2102

Or email to: sfpd.records@sfgov.org

There is no legal requirement to fill out this form in its entirety. However, certain individuals are entitled to receive more information pursuant to California Government Code § 6254 (f). The more information you provide may help the Department determine the amount of information provided to you.

Your name: _____

Address: _____

City, State, Zip: _____

Contact Phone: _____ Email: _____

S.F. Police Report #: _____

Name of Party Listed in Report, if not requestor: _____

Date of Birth: Month _____ Day _____ Year _____

Your interest in this incident: _____

Type of Incident: _____

Date/Time of Occurrence: _____

Location of Occurrence: _____

Vehicle Involved (License plate number/state/year, make, model and color): _____

Please indicate how you would like to receive the requested incident report. (Allow 10 business days from the date of your request for processing):

☐ U.S. Mail (It is mandatory to have a self-addressed legal size stamped envelope for your report to be processed).

☐ Email: _____

☐ Pick-up from 1245 3rd Street, 1st Floor, San Francisco, CA 94158, Monday-Friday (8:00am – 5:00pm), closed on weekends and holidays. Please call 415-575-7232 to confirm your report is ready for pick-up.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Signature

Date

Note: TRAFFIC COLLISION REPORTS ARE ONLY PREPARED FOR HIT & RUN, DRUNK DRIVING AND PERSONAL INJURY CASES. Some reports are restricted and/or inaccessible.

SFPD 491E (11/15)

EXHIBIT "2"

Request for Incident Report

Internal Use Only
Do not request incident reports from the public.
Date provided (month/day/year):
Date person notified if extension requested:
SFO for pick-up:
RMS staff ID:

San Francisco Police Department
Traffic Management Section
1240 1st Street, San Francisco, CA 94108-2102
sfpdrequest@sfpd.org

Mail request to:

Or email to:

There is no legal requirement to fill out this form in its entirety. However, certain individuals are entitled to receive more information pursuant to California Government Code § 6254 (b). The more information you provide may help the Department determine the amount of information provided to you.

Your name: _____
Address: _____
City, State, Zip: _____ Email: _____
Contact Person: _____
S.F. Police Report #: _____
Name of Party Listed in Report, if not copositor: _____
Date of birth: Month _____ Day _____ Year _____
Your interest in this incident: _____
Type of Incident: _____
Date/Time of Occurrence: _____
Location of Occurrence: _____
Vehicle involved (if license plate number/year, make, model and color): _____

Please indicate how you would like to receive the requested incident report. (Allow 10 business days from the date of your request for processing):

- ☐ U.S. Mail (It is mandatory to have a self-addressed legal size stamped envelope for your report to be processed.)
☐ Email: _____
☐ Pick-up from 1240 1st Street, 1st Floor, San Francisco, CA 94108, Monday-Friday 10:00am - 5:00pm, closed on weekends and holidays. Please call 415-377-1232 to confirm your report is ready for pick-up.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature: _____ Date: _____

NOTE: TRAFFIC COLLISION REPORTS ARE ONLY PREPARED FOR HIT & RUN, DRUNK DRIVING, AND PERSONAL INJURY CRASHES. Some reports are restricted under state law.

SFPD-491E (1/15)

EXHIBIT "3"

Fawn Jade Korr

From: Fawn Jade Korr
Sent: Thursday, May 2, 2019 1:49 PM
To: Fawn Jade Korr
Subject: FW: Request for Records

From: Records, SFPD (POL) [<mailto:SFPD.Records@sfgov.org>]
Sent: Monday, March 11, 2019 10:35 AM
To: Fawn Jade Koopman
Subject: Automatic reply: Request for Incident Report


Your email and/or request has been received and will be processed within 10 days in the order that it was obtained.

Please allow 7 business days for processing before sending any follow-up emails.

Thank you for your patience.

Regards,

San Francisco Police Department
Crime Information Service Unit
1245 3rd Street, 1st FL
San Francisco, CA 94158

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Fawn Jade Korr (SBN 315888) BAY AREA LEGAL AID 1800 Market Street, 3rd Floor, San Francisco CA 94102 TELEPHONE NO.: (415) 982-1300 FAX NO.: (415) 982-4243 ATTORNEY FOR (Name): Petitioners		FOR COURT USE ONLY <h1 style="margin: 0;">FILED</h1> San Francisco County Superior Court MAY 06 2019 CLERK OF THE COURT BY:  Deputy Clerk	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Civic Center Courthouse		CASE NUMBER: <h2 style="margin: 0;">CPF-19-516659</h2> JUDGE: DEPT:	
CASE NAME: Lina Lu, et. al. v City and County of San Francisco, et. al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input checked="" type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **Writ of Mandate, Declaratory Relief, Injunctive Relief**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: **5/6/2019**

Fawn Jade Korr

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller
Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition